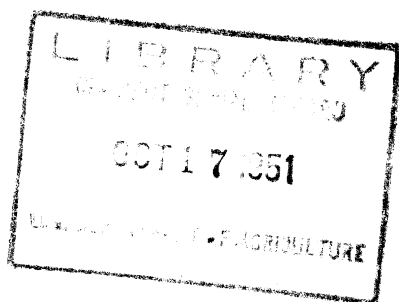


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The Principal Laws Relating to the Establishment and Administration of the National Forests and to Other Forest Service Activities



**UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURE HANDBOOK No. 20**

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WASHINGTON, D. C.

Issued May 1951

THE PRINCIPAL LAWS RELATING TO THE ESTABLISHMENT AND ADMINISTRATION OF THE NATIONAL FORESTS AND TO OTHER FOREST SERVICE ACTIVITIES ¹

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NOTE.—This Handbook supersedes Miscellaneous Publication No. 135, revised to September 1950.

ESTABLISHMENT AND CONSOLIDATION

Creation by Executive action.

Act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471)

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial

¹ In general this compilation contains the exact wording of the statute or else the codified wording, and, except for a few statutory provisions of general application to Federal agencies, there are included only laws which pertain chiefly to functions of the Forest Service. Where deemed necessary, explanatory notes or cross references have been added. In the citation preceding each quoted provision of law there is indicated the volume and page of the United States Statutes at Large where such provision may be found; also indicated is the title and section of the U. S. Code where it may be found. Occasionally a particular provision of a completely quoted Act is for convenient reference also quoted under the appropriate heading, such as "Establishment and Consolidation", "Occupancy and Use", "Collection and Expenditure of Funds", etc. Not included in this compilation are minor acts and numerous acts of Congress pertaining to particular national forests.

value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Purpose of national forests.

Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 475)

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.

Forest reserves designated national forests.

Act of March 4, 1907 (34 Stat. 1269)

The forest reserves shall hereafter be known as national forests.

Restrictions on Executive action.

Act of March 4, 1907 (34 Stat. 1271); August 24, 1912 (37 Stat. 497); June 15, 1926 (44 Stat. 745; 16 U. S. C. 471, 471a)

Hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, Wyoming, California, Arizona, or New Mexico, except by act of Congress.

Additional lands may be added in Montana.

Act of July 20, 1939 (53 Stat. 1071; 16 U. S. C. 471-b)

The President of the United States is authorized, in his discretion, to add to existing national forests, or to include within new national forests, by proclamation or Executive order, any unappropriated public lands of the United States situated in the State of Montana which, in his opinion, are chiefly valuable for the production of timber or the protection of watersheds: *Provided*, That the inclusion of such lands within a national forest shall be subject to any claim, entry, or appropriation under the public land laws then valid and subsisting and thereafter legally maintained.

Authority to modify proclamations.

Act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473)

* * * To remove any doubt which may exist pertaining to the authority of the President thereunto [in regard to the national forests], the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests. * * * The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve.

Land acquisition by purchase.

Act of March 1, 1911 (36 Stat. 961); June 7, 1924 (43 Stat. 654; 16 U. S. C. 515, 516, 521); also act of March 3, 1931 (46 Stat. 1516), as to Porto Rico

That section 6 of the act of March 1, 1911 (36 Stat. 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate, and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon (16 U. S. C. 515).

SEC. 7. The Secretary of Agriculture is hereby authorized to purchase in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams (16 U. S. C. 516).

SEC. 11. That, subject to the provisions of the last preceding section, (i. e. sec. 10) the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the act approved March third, eighteen hundred and ninety-one (26 Stat. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes (16 U. S. C. 521).

Act of March 1, 1911 (36 Stat. 961; 16 U. S. C. 517)

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States.

Act of April 24, 1950 (64 Stat. 82)

SEC. 13. That section 5 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase

such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority."

Land acquisition by donation.

Act of June 7, 1924 (43 Stat. 654; 16 U. S. C. 569). Cross reference: See also donation clause in preceding paragraph

That to enable owners of land chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the act of March 1, 1911 (36 Stat. 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located. (See also sec. 555, title 16, U. S. Code above.)

Land acquisition by exchange.

Act of March 20, 1922, 42 Stat. 465, as amended by Act of February 28, 1925 (43 Stat. 1090; 16 U. S. 485, 486)

That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may

authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

Act of March 3, 1925 (43 Stat. 1215; 16 U. S. C. 516)

Provided further, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this act which, in his opinion, are chiefly valuable for the purpose of this act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *And provided further*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such ex-

change. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this act.

Disposal of land acquired under Title III, Bankhead-Jones Farm Tenant Act

Section 32c, Act of July 22, 1937, 50 Stat. 525, as amended by Act of July 28, 1942, 56 Stat. 725 (7 U. S. C. 1011)

To effectuate the program provided for in section 1010, title 7, U. S. Code, the Secretary of Agriculture is authorized

* * * * *

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of sections 1010-1013 of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: *Provided, however,* That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of sections 1001-1005d, 1007, and 1008-1029 of this title, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

Acquiring right to erect structures on non-Federal land.

Section 1, Act of April 24, 1950 (64 Stat. 82)

That, notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as amended (40 U. S. C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided,* That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

Leasing range land for Forest Service administration.

Act of April 24, 1950 (64 Stat. 82)

SEC. 11. Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective

fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

Adjustment of defective land titles.

Act of July 8, 1943 (57 Stat. 388; 5 U. S. C. 567)

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the Secretary of Agriculture shall find within ten years after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is hereby authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quit-claim deed to such land or interest: *Provided, however*, That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States."

Quitclaim deeds to conveyed lands if not accepted in exchange.

Section 6, Act of April 28, 1930 (46 Stat. 257; 43 U. S. C. 872)

Where a conveyance of land has been made or may hereafter be made to the United States in connection with an application for amendment of a patented entry or entries, or an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Secretary of the Interior or such officer as he may designate is authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

JURISDICTION

Secretary of Agriculture.

Act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472)

The Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and acts supplemental to and amendatory thereof, and after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

NOTE.—Laws relating to surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting are administered by Secretary of Interior.

Act of June 4, 1897 (30 Stat. 34; 16 U. S. C. 475)

All public lands heretofore designated and reserved by the President of the United States under the provisions of the act approved March third, eighteen hundred and ninety-one, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public land that may hereafter be set aside and reserved as national forests under said act, shall be as far as practicable controlled and administered in accordance with the following provisions.

Rules and regulations.

Act of June 4, 1897 (30 Stat. 35), as amended by Act of February 1, 1905 (33 Stat. 628); 16 U. S. C. 551

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471 of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such national forests, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.

Civil and criminal.

Act of June 4, 1897 (30 Stat. 36); March 1, 1911 (36 Stat. 963); 16 U. S. C. 480

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.

Arrests.

Act of March 3, 1905 (33 Stat. 873; 16 U. S. C. 559)

All persons employed in the Forest Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the national forest is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

Enforcement of State laws relating to livestock, forest fires and wildlife.

Act of May 23, 1908 (35 Stat. 259; 16 U. S. C. 553)

Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States and Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and, with respect to national forests, shall aid the other Federal bureaus and departments, on request from them, in the performance of the duties imposed on them by law.

Administering oaths.

Act of February 13, 1911 (36 Stat. 898; 5 U. S. C. 93)

Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Coast Guard, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Coast Guard board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Act of January 31, 1925 (43 Stat. 803; 5 U. S. C. 521)

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer to or take from any person, an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the

United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee.

OCCUPANCY AND USE

Rules and regulations.

Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551)

He [Secretary of Agriculture] may make such rules and regulations and establish such service as will insure the objects of such national forests, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished as is provided for in the Act of June four, Eighteen hundred and eighty-eight, amending section five thousand three hundred and eighty-eight of the Revised Statutes of the United States.

NOTE.—Grazing and most special-use permits are issued under authority of this act.

Ingress and egress.

Act of June 4, 1897 (30 Stat. 36; 16, U. S. C. 478)

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior.

Sale of timber.

Act of June 4, 1897 (30 Stat. 35); March 3, 1925 (43 Stat. 1132; 16 U. S. C. 476)

For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe. Before such sale shall take place, notice thereof shall be given by the said Secretary of Agriculture for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such national forest exists. In cases of unusual emergency the Secretary of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale. He may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber, cord wood and other forest products, not exceeding in value five hundred dollars. In cases in which advertise-

ment is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers. Such timber before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Secretary of Agriculture of his doings in the premises. (See sec. 3, page 61 of Act of June 9, 1930, 46 Stat. 527; 16 U. S. C. 576 b, relative to requiring deposits for planting, sowing, or timber stand improvement work.)

Sale of timber at cost.

Act of August 10, 1912 (37 Stat. 287; 16 U. S. C. 489)

The Secretary of Agriculture, under such rules and regulations as he shall establish, is authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intention of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in section 477, Title 16, U. S. Code.

Free use of timber.

Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 477)

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for fire wood, fencing, building, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes. (Modified by 16 U. S. C. 616.)

Term grazing permits and renewals.

Act of April 24, 1950 (64 Stat. 82)

SEC. 19. The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

Free use of timber for telephone lines.

Act of March 4, 1913 (37 Stat. 843; 16 U. S. C. 560)

The Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines.

Timber, etc., for Navy, Army and Alaskan public works.

Act of March 4, 1915 (38 Stat. 1100); Act of March 3, 1925 (43 Stat. 1197);
16 U. S. C. 492

Hereafter the Secretary of Agriculture, under regulations to be prescribed by him, is authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska. He is authorized also to permit the Department of the Army to take earth, stone, and timber from the national forests for use in the construction of river and harbor and other works in charge of that department, subject to such regulations and restrictions as he may prescribe.

Exportation of timber.

Act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616)

Timber lawfully cut on any national forest, or on the public lands in Alaska, may be exported from the State or Territory where grown if, in the judgment of the Secretary of the department administering the national forests, or the public lands in Alaska, the supply of timber for local use will not be endangered thereby, and the respective Secretaries concerned are hereby authorized to issue rules and regulations to carry out the purposes of this act.

Local grazing advisory boards.

Act of April 24, 1950 (64 Stat. 82)

SEC. 18. (a) (1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose at the time of the enactment of this Act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game

commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) (1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under this Act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

Agricultural lands.

Forest Homestead Act of June 11, 1906 (34 Stat. 233, as amended ; 16 U. S. C. 506)

The Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary national forests except the following counties in the State of California, San Luis Obispo, Santa Barbara; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the national forests and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the Secretary of the Interior or such officer as he may designate, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the officer designated by the Secretary of the Interior of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within national forests may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. No land listed under the provisions of this Act shall pass from the forest until patent issues.

Settlement forbidden.

SEC. 5. Nothing herein contained shall be held to authorize any future settlement on any lands within national forests until such lands have been opened to settlement as provided in this act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a national forest (16 U. S. C. 509).

Classification and Segregation of agricultural lands.

Act of August 10, 1912 (37 Stat. 287; 16 U. S. C. 512)

The Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests.

Permits for summer homes, hotels, stores, etc.

Act of March 4, 1915 (38 Stat. 1101; 16 U. S. C. 497)

Hereafter the Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding thirty years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding five acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as now provided by law.

Special-use permit for land adjacent to mineral springs.

Act of February 28, 1899 (30 Stat. 908; 16 U. S. C. 495)

The Secretary of Agriculture * * * is authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any national forest established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of Agriculture is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this act.

Schools and churches within forests.

Act of June 4, 1897 (30 Stat. 36; 16 U. S. C. 479)

The settlers residing within the exterior boundaries of such national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each school-house and one acre for a church.

Use of waters.

Act of June 4, 1897 (30 Stat. 36; 16 U. S. C. 481)

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder.

Cross Reference: See also Municipal Water Supply Act, page 63; and Act of October 17, 1940, 54 Stat. 1197, relating to water supply of Petersburg, Alaska.

Term permits to use structures and improvements.

Act of April 24, 1950. (64 Stat. 82)

SEC. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith; *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

Sale of forest-tree seed and nursery stock to public agencies.

Act of April 24, 1950 (64 Stat. 82)

SEC. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

Rights of way: Transmission, telephone, and telegraph lines.

Act of March 4, 1911 (36 Stat. 1253; 16 U. S. C. 523)

The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control

such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

Canals and ditches, dams and reservoirs, electrical and water plants, tunnels or other water conduits, transmission, telephone, and telegraph lines.

Act of February 15, 1901 (31 Stat. 790; 16 U. S. C. 522)

The Secretary of Agriculture is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights-of-way through the national forests for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder for any one or more of the purposes herein named. Such permits shall be allowed within or through any national forest, only upon the approval of the chief officer of the department under whose supervision such national forest falls and upon a finding by him that the same is not incompatible with the public interest. All permits given hereunder for telegraph and telephone purposes shall be subject to the provision of sections 1 to 6 and 8 of Title 47 **TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS**, regulating rights-of-way for telegraph companies over the public domain. Any permission given by the Secretary of Agriculture under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any national forest.

Railroads.

Act of March 3, 1875 (18 Stat. 482; 43 U. S. C. 934)

Note: This act is administered by the Department of the Interior.

The right of way through the public lands of the United States is granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the

Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road.

Act of March 3, 1899 (30 Stat. 1233; 16 U. S. C. 525)

In the form provided by existing law, the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any national forest or reservoir site when in his judgment the public interests will not be injuriously affected thereby.

Irrigation and drainage.

Acts of March 3, 1891 (sec. 18, 26 Stat. 1101; March 4, 1917, sec. 1, 39 Stat. 1197; May 28, 1926, 44 Stat. 668; 43 U. S. C. 946)

The right-of-way through the public lands and reservations of the United States is hereby granted to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and fifty feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional right-of-way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right-of-way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Act of March 3, 1891 (sec. 19, 26 Stat. 1102; 43 U. S. C. 947)

Any canal or ditch company desiring to secure the benefits of sections 18 to 21, inclusive, of the Act of March 3, 1891, as amended, shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the officer designated by the Secretary of the Interior of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights-of-way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal,

ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Act of March 3, 1891 (sec. 20, 26 Stat. 1102; 43 U. S. C. 948)

The provisions of sections 18 to 21, inclusive, of the Act of March 3, 1891, as amended, shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps therein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the officer designated by the Secretary of the Interior of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats filed before March 3, 1891, shall have the benefits of sections 18 to 21, inclusive, from the date of their filing, as though filed thereunder: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights therein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Act of March 3, 1891 (sec. 21, 26 Stat. 1102; 43 U. S. C. 949)

Nothing in sections 18 to 21 of the Act of March 3, 1891, as amended, shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

Water transportation, domestic purposes or development of power.

Act of May 11, 1898 (sec. 2, 30 Stat. 404; sec. 2, Act of March 4, 1917, 39 Stat. 1197; 43 U. S. C. 951)

Rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 18 to 21, inclusive, of the Act of March 3, 1891, as amended, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage.

Municipal and mining uses.

Act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 524)

Rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are hereby granted to citizens and corporations of the United States, for municipal and mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

Game refuges.

Act of August 11, 1916 (39 Stat. 446, 476), as amended by Act of June 25, 1948, effective September 1, 1948 (62 Stat. 860); 16 U. S. C. 683

That the President of the United States is hereby authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven (Thirty-six Statutes at Large, page nine hundred and sixty-one), entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams", and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and, except under such rules and regulations as the Secretary of Agriculture may from time to time prescribe, it shall be unlawful for any person to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof.

LAWS RESPECTING MINING**U. S. Mining Laws (also known as General Mining Laws).**

Act of May 10, 1872 (17 Stat. 91), as amended, 30 U. S. C. 22-47

Explanatory note: The U. S. Mining Laws, unless otherwise provided by law, apply to all minerals except oil, gas, oil shale, coal, potassium, sodium and phosphate, and sulphur in Louisiana and New Mexico, on national forest lands which were withdrawn from the public domain for national forest purposes or which were acquired by exchange under the Act of March 20, 1922 (42 Stat. 465; 16 U. S. C. 485), or similar law, by the terms of which "public land" or the timber thereon is granted in exchange for land of equal value.

The mining laws do not apply to lands situated in Minnesota, Michigan, Wisconsin (30 U. S. C. 48); Alabama (30 U. S. C. 171); Missouri and Kansas (30 U. S. C. 49); and certain lands in Oklahoma (43 U. S. C. 1098, 1100, 1131). Similarly, they do not apply to lands within reclamation withdrawals (43 U. S. C. 416, 432); Federal power withdrawals, except when authorized (16 U. S. C. 818); Federal Game Refuges; military reservations; or to lands otherwise specifically withdrawn from their operation. Lands used by the United States for administrative or public service purposes and lands occupied or used under a special use or term permit are generally believed to be withdrawn from the operation of the Mining Laws. There are several Acts which modify the mining laws as applied to local areas by limiting the use which may be made of and the title which may be acquired to the surface. (Legal advice may be required to determine whether or not the Mining Laws are applicable to a particular tract of national forest land.)

Mining claims, location and entry.

Act of June 4, 1897 (30 Stat. 36; 16 U. S. C. 482)

Any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing min-

ing laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

Act of June 4, 1897 (30 Stat. 36; 16 U. S. C. 478)

Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such national forests.

Mineral Leasing Act of February 25, 1920, as amended.

41 Stat. 437; 60 Stat. 950; 30 U. S. C. 181-263.

Explanatory note: This Act applies to the following minerals only: oil, oil shale, gas, coal, potassium, sodium and phosphate, and to sulphur in Louisiana and New Mexico.

It is applicable to the public domain and to national forest lands which were withdrawn or reserved from the public domain by Proclamation or Act of Congress for national forest purposes, or lands received in exchange for such lands under the Act of March 20, 1922 (42 Stat. 465; 16 U. S. C. 485) and similar exchange acts where public land or timber from such land is used as the base.

The Bureau of Land Management, Department of the Interior, is responsible for the administration of this Act and the Forest Service can only recommend special stipulations to protect the national forest interests. The Bureau of Land Management accords the Forest Service an opportunity to make recommendations with respect to all lease applications involving national forest lands.

The Act of March 4, 1917 (39 Stat. 1150; 16 U. S. C. 520) referred to in section 402 of Reorganization Plan No. 3 (hereinafter quoted) is as follows:

"The Secretary of the Interior is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), known as the Weeks Law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests."

Explanatory note: The Clarke-McNary Act and certain Acts of local application provide that land acquired thereunder shall be subject to the laws applicable to land acquired under the Weeks Law. Such land therefore is subject to the above quoted statute.

Reorganization Plan No. 3 transferred to the Secretary of the Interior all functions of the Secretary of Agriculture respecting the use of mineral deposits under the above quoted Act of March 4, 1917, subject to such conditions as may be prescribed by the Secretary of Agriculture for protecting national forest interests. The Mineral Leasing Act for Acquired Lands (61 Stat. 913; 30 U. S. C. 351-359) modified such Reorganization Plan so that it no longer applies to oil, gas, coal, oil shale, sodium, phosphate, potassium, and sulphur.

Reorganization Plan No. 3 of 1946.

60 Stat. 1097; 5 U. S. C. 133y-16

SEC. 402.—*Functions Relating to Mineral Deposits in Certain Lands.*—The functions of the Secretary of Agriculture and the Department of Agriculture with respect to the uses of mineral deposits in certain lands pursuant to the provisions of the act of March 4, 1917 (39 Stat. 1134, 1150, section 520 of Title 16), title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, sections 401, 403 (a) and 408 of Title 40), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), and the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, sections 1011 (c) and 1018 of Title 7) are hereby transferred to the Secretary of the Interior and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate: *Provided*, That mineral development on such lands shall be authorized by the Secretary of the Interior only when he is advised by the Secretary of Agriculture that such development will not interfere with the primary purposes for which the land was acquired and only in accordance with such conditions as may be specified by the Secretary of Agriculture in order to protect such purposes. The provisions of law governing the crediting and distribution of revenues derived from the said lands shall be applicable to revenues derived in connection with the functions transferred by this section. To the extent necessary in connection with the performance of the functions transferred by this section, the Secretary of the Interior and his representatives shall have access to the title records of the Department of Agriculture relating to the lands affected by this section.

Mineral leasing act for acquired lands.

Act of August 7, 1947 (61 Stat. 913; 30 U. S. C. 351-359)

An Act to promote the mining of coal, phosphate, sodium, potassium, oil, oil shale, gas and sulfur on lands acquired by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mineral Leasing Act for Acquired Lands".

SEC. 2. As used in this Act "United States" includes Alaska. "Acquired lands" or "lands acquired by the United States" include all lands heretofore or hereafter acquired by the United States to which the "mineral leasing laws" have not been extended, including such lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961, 16 U. S. C., sec. 552). "Secretary" means the Secretary of the Interior. "Mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741, 48 U. S. C., sec. 432); the Act of February 25, 1920 (41 Stat. 437, 30 U. S. C., sec. 181); the Act of April 17, 1926 (44 Stat. 301, 30 U. S. C., sec. 271); the Act of February 7, 1927 (44 Stat. 1057, 30 U. S. C., sec. 281), and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts. "Lease" includes "prospecting permit" unless the context otherwise requires.

SEC. 3. Except where lands have been acquired by the United States for the development of the mineral deposits, by foreclosure or otherwise for resale, or reported as surplus pursuant to the provisions of the Surplus Property Act of October 3, 1944 (50 U. S. C., sec. 1611 and the following), all deposits of coal, phosphate, oil, oil shale, gas, sodium, potassium, and sulfur which are owned or may hereafter be acquired by the United States and which are within the lands acquired by the United States (exclusive of such deposits in such acquired lands as are (a) situated within incorporated cities, towns and villages, national parks or monuments, (b) set apart for military or naval purposes, or (c) tidelands or submerged lands) may be leased by the Secretary under the same conditions as contained in the leasing provisions of the mineral leasing laws, subject to the provisions hereof. The provisions of the Act of April 17, 1926 (44 Stat. 301), as heretofore or hereafter amended, shall apply to deposits of sulfur covered by this Act wherever situated. No mineral deposit covered by this section shall be leased except with the consent of the head of the executive department, independent establishment, or instrumentality having jurisdiction over the lands containing such deposit, or holding a mortgage or deed of trust secured by such lands which is unsatisfied of record, and subject to such conditions as that official may prescribe to insure the adequate utilization of the lands for the primary purposes for which they have been acquired or are being administered: *Provided*, That nothing in this Act is intended, or shall be construed, to apply to or in any manner affect any mineral rights, exploration permits, leases or conveyances nor minerals that are or may be in any tidelands; or submerged lands; or in lands underlying the three mile zone or belt involved in the case of the United States of America against the State of California now pending on application for rehearing in the Supreme Court of the United States; or in lands underlying such three mile zone or belt, or the continental shelf, adjacent or littoral to any part of the land within the jurisdiction of the United States of America.

SEC. 4. Nothing herein contained shall be deemed or construed to (a) amend, modify, or change any existing law authorizing or requiring the sale of acquired lands, or (b) empower any commission, bureau, or agency of the Government to make a reservation of the minerals in the sale of any acquired land: *Provided*, That any such sale or conveyance of lands shall be made by the agency having jurisdiction thereof, subject to any lease theretofore made, covering the mineral deposits underlying such lands: *Provided further*, That nothing in this Act is intended, or shall be construed to affect in any manner any provision of the Act of June 30, 1938 (32 Stat. 1252), amending the Act of June 4, 1920 (41 Stat. 813).

SEC. 5. Where the United States does not own all of the mineral deposits under any lands sought to be leased and which are affected by this Act, the Secretary is authorized to lease the interest of the United States in any such mineral deposits when, in the judgment of the Secretary, the public interest will be best served thereby; subject, however, to the provisions of section 3 hereof. Where the United States does not own any interest or owns less than a full interest in the minerals that may be produced from any lands sought to be leased, and which are or will be affected by this Act and where, under the provisions of its acquisition, the United States is to acquire

all or any part of such mineral deposits in the future, the Secretary may lease any interest of the United States then owned or to be acquired in the future in the same manner as provided in the preceding sentence.

SEC. 6. All receipts derived from leases issued under the authority of this Act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease, the intention of this provision being that this Act shall not affect the distribution of receipts pursuant to legislation applicable to such lands: *Provided, however*, That receipts from leases or permits for minerals in lands set apart for Indian use, including lands the jurisdiction of which has been transferred to the Department of the Interior by the Executive order for Indian use, shall be deposited in a special fund in the Treasury until final disposition thereof by the Congress.

SEC. 7. Upon request by the Secretary, the heads of all executive departments, independent establishments, or instrumentalities having jurisdiction over any of the lands referred to in section 2 of this Act shall furnish to the Secretary the legal description of all of such lands, and all pertinent abstracts, title papers, and other documents in the possession of such agencies concerning the status of the title of the United States to the mineral deposits that may be found in such lands.

Abstracts, title papers, and other documents furnished to the Secretary under this section shall be recorded promptly in the Bureau of Land Management in such form as the Secretary shall deem adequate for their preservation and use in the administration of this Act, whereupon the originals shall be returned promptly to the agency from which they were received. Duly authenticated copies of any such abstracts, title papers, or other documents may, however, be furnished to the Secretary, in lieu of the originals, in the discretion of the agency concerned.

SEC. 8. Nothing contained in this Act shall be construed to affect the rights of the State or other local authorities to exercise any right which they may have with respect to properties covered by leases issued under this Act, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 9. Nothing in this Act shall affect any rights acquired by any lessee of lands subject to this Act under the law as it existed prior to the effective date of this Act, and such rights shall be governed by the law in effect at the time of their acquisition; but any person qualified to hold a lease who, on the date of this Act, had pending an application for an oil and gas lease for any lands subject to this Act which on the date the application was filed was not situated within the known geologic structure of a producing oil or gas field, shall have a preference right over others to a lease of such lands without competitive bidding. Any person holding a lease on lands subject hereto, which lease was issued prior to the effective date of this Act, shall be entitled to exchange such lease for a new lease issued under the provisions of this Act, at any time prior to the expiration of such existing lease.

SEC. 10. The Secretary of the Interior is authorized to prescribe such rules and regulations as are necessary and appropriate to carry out

the purposes of this Act, which rules and regulations shall be the same as those prescribed under the mineral leasing laws to the extent that they are applicable.

COLLECTION AND EXPENDITURE OF FUNDS

NOTE.—Many other fiscal provisions will be found in the major organic laws beginning on page 44 of this compilation.

Receipts and refunds.

Act of June 30, 1914 (38 Stat. 430; Act of May 29, 1928, 45 Stat. 993; 16 U. S. C. 498)

That all money received after July first, nineteen hundred and seven, by or on account of the Forest Service for timber, or from any other source of national forest revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States.

Percentage of receipts payable to States.

Act of May 23, 1908 (35 Stat. 260; Act of September 21, 1944, 58 Stat. 737; 16 U. S. C. 500)

That hereafter twenty-five per centum of all money received from each national forest during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said national forest is situated to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the national forest is situated: *Provided*, That when any national forest is in more than one State or Territory or county, the distributive share to each from the proceeds of said forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for school and roads by this Act shall be based upon the stumpage value of the timber.

NOTE.—A similar provision with respect to receipts from lands acquired in any State under the Weeks Law, as amended by the Act of June 30, 1914 (38 Stat. 441), is carried in section 13 thereof with the following proviso added:

Provided further, That there shall not be paid to any State for any county an amount equal to more than 40 per centum of the total income of such county from all other sources. (This proviso repealed by sec. 17, 64 Stat. 82.)

Payments to Minnesota on account certain areas in Superior Forest.

The Act of June 22, 1948 (62 Stat. 568; 16 U. S. C. 577c-577h) authorizes the acquisition of certain lands within the Superior National Forest in Minnesota and directs annual payments to the State on account of such lands in accordance with the following section of the Act.

SEC. 5. That the Secretary of the Treasury, upon the certification of the Secretary of Agriculture, shall pay to the State of Minnesota, at the close of each fiscal year from any national-forest receipts not otherwise appropriated a sum of money equivalent to three-quarters of 1 per centum of the fair appraised value of such national-forest lands as may be situated within the area described in section 2 of this Act at the end of each fiscal year; and the payments made hereunder shall be distributed to each of the three aforesaid counties in conformity with the fair appraised value of such national-forest lands in each county: *Provided*, That the fair appraised value of the lands shall be determined by the Secretary of Agriculture at ten-year intervals and his determination shall be conclusive and final: *Provided further*, That the first payment to the State of Minnesota under the provisions of this section shall not be due until the close of the first full fiscal year after approval of this Act: *And provided further*, That the provisions of the Act of May 23, 1908 (35 Stat. 260), and of section 13 of the Act of March 1, 1911, as amended (36 Stat. 961; 38 Stat. 441), shall not be applicable to the national-forest lands to which this section applies.

Authorization for appropriating part of grazing receipts for range improvements.

Act of April 24, 1950 (64 Stat. 82)

SEC. 12. Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

Moneys erroneously collected.

Act of March 4, 1911 (36 Stat. 1253; 16 U. S. C. 499)

That so much of an Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight", approved March fourth, nineteen hundred and seven (Thirty-fourth Statutes at Large, pages twelve hundred and fifty-six and twelve hundred and seventy), which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much as may be necessary to refund or pay over to the rightful

claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal.

Expenditures from receipts for roads and trails.

Act of March 4, 1913 (37 Stat. 843; 16 U. S. C. 501)

Ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber.

Reimbursement for damage to private property.

Act of May 27, 1930 (46 Stat. 387; 16 U. S. C. 574)

The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of \$500 shall be made on any such claim.

Act of January 31, 1931 (46 Stat. 1052; 16 U. S. C. 502)

The Secretary of Agriculture is authorized, under such regulations as he may prescribe, to reimburse owners for loss, damage, or destruction of horses, vehicles, and other equipment obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of \$50 in any case unless supported by a written contract of hire or lease.

Purchase of tree seed, cones, and nursery stock.

Act of April 24, 1950 (64 Stat. 82)

SEC. 2. That so much of the Act of June 30, 1914 (38 Stat. 415, 429, 16 U. S. C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and

when the cost thereof will not exceed \$500:", is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest."

Cooperative funds.

Act of June 30, 1914 (38 Stat. 430; Act of May 29, 1928, 45 Stat. 993; 16 U. S. C. 498)

That hereafter all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements.

Cooperative assistance to owners of non-Federal lands and to national forest users.

Act of April 24, 1950 (64 Stat. 82)

SEC. 5. That section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended to read as follows:

"SEC 1. (a) The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

"(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

"(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on

such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share."

Deposits required to cover cost of brush disposal.

Act of April 24, 1950 (64 Stat. 82)

SEC. 6. That so much of the Act of August 11, 1916 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national-forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.", is hereby amended to read as follows: "Purchasers of national-forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made."

Deposits to defray cost of scaling services.

Act of September 21, 1944 (58 Stat. 737; 16 U. S. C. 572a)

The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund", which moneys are made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work.

Installation of telephones in residences of seasonal employees and cooperators.

Act of April 24, 1950 (64 Stat. 82)

SEC. 10. Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U. S. C. 679), appropriations for the protection and management of the national forests shall be available to pay for telephone service installed in residences of seasonal employees and of persons cooperating with the Forest Service who reside within or near the national forests when such installation is determined by the Secretary of Agriculture to be needed in protecting the national forests: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

Cooperation with the Coast Guard.

Act of March 3, 1915 (38 Stat. 928; 33 U. S. C. 756)

SEC. 6. That hereafter the annual appropriations for the Coast Guard shall be available for defraying the expenses of cooperation between the Coast Guard and the Forest Service in the management of forest land on lighthouse reservations.

Receipts—hunting—Weeks Law lands.

Act of March 4, 1917 (39 Stat. 1149; 16 U. S. C. 499)

That hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act (Weeks Law), or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

Cooperation with States and other agencies.

Act of July 24, 1919 (41 Stat. 270; 5 U. S. C. 563, 564)

That hereafter in carrying on the activities of the Department of Agriculture involving cooperation with State, county and municipal agencies, associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, or other local associations of business men, business organizations, and individuals within the State, Territory, district or insular possession in which such activities are to be carried on, moneys contributed from such outside sources, except in the case of the authorized activities of the Forest Service, shall be paid only through the Secretary of Agriculture or through State, county or municipal agencies, or local farm bureaus or like organizations, cooperating for the purpose with the Secretary of Agriculture.

The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106 (5 U. S. C. 66); nor shall any official

or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to the said proviso.

NOTE.—Cooperative undertakings are rarely entered into by the Forest Service under the authority conferred by the two preceding paragraphs, and then only when there is no other provision of law specially applicable to the Forest Service authorizing the particular kind of cooperation involved.

Traveling expenses—publication activities.

Act of May 11, 1922 (42 Stat. 521; 16 U. S. C. 556)

No part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law; nor shall any such funds be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public.

Purchase of experimental materials and equipment.

Act of April 24, 1950 (64 Stat. 82)

SEC. 3. The provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

Rent from employees.

Act of January 31, 1931 (46 Stat. 1052; 16 U. S. C. 502)

The Secretary of Agriculture is authorized, under such regulations as he may prescribe, to hire or rent property from employees of the Forest Service for the use of officers of that service other than use by the employee from whom hired or rented, whenever the public interest will be promoted thereby: *Provided*, That the aggregate amount to be paid permanent employees under authorizations of this subsection exclusive of obligations occasioned by fire emergencies, shall not exceed \$3,000 in any one year.

Forage, etc.

Act of January 31, 1931 (46 Stat. 1052; 16 U. S. C. 502)

The Secretary of Agriculture is authorized, under such regulations as he may prescribe, to provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

Quarters, heat, light, etc., for field employees.

Sec. 3, Act of March 5, 1928 (45 Stat. 193; 5 U. S. C. 75a)

The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are hereby made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.

Employment of men with equipment, etc.

Act of June 4, 1936 (49 Stat. 1422; 5 U. S. C. 542a)

Funds available for field work in the Department of Agriculture shall be available for employment by contract or otherwise of men with equipment, boats, work animals, animal-drawn, and motor-propelled vehicles.

Sale of photographic reproductions and maps.

Section 387, title III, Act of Feb. 16, 1938 (52 Stat. 68; 7 U. S. C. 1387)

The Secretary may furnish reproductions of such aerial or other photographs, mosaics, and maps as have been obtained in connection with the authorized work of the Department to farmers and governmental agencies at the estimated cost of furnishing such reproductions, and to persons other than farmers at such prices (not less than estimated cost of furnishing such reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of the appropriation charged with the cost of making such reproductions. This section shall not affect the power of the Secretary to make other disposition of such or similar materials under any other provision of existing law.

Equipment and subsistence.

Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 557)

SEC. 4. That the Secretary of Agriculture is hereby authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees.

Medical attention.

Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 557) as amended by Act of April 24, 1950 (64 Stat. 82)

SEC. 6. That the Secretary of Agriculture is hereby authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service, medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for

shipment or for burial: *Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed.

Act of April 24, 1950 (64 Stat. 82)

SEC. 16. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U. S. C., 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the United States Employees' Compensation Commission to the employee on account of the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the Commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act.

Cross Reference: See also sec. 202 of the Department of Agriculture Organic Act of 1944 (58 Stat. 736; 16 U. S. C. 554b)

Lost persons.

Act of May 27, 1930 (46 Stat. 387; 16 U. S. C. 575)

The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place

where the sick or injured person, or the body, may be transferred to interested parties or local authorities.

Cross References: see Title II of the Department of Agriculture Organic Act of 1944 on page 68 for the following authorization provisions:

Sec. 201. Payment of rewards for information leading to arrest and conviction for violating laws and regulations relating to forest fires.

Sec. 203. Sale and distribution of supplies, equipment, and materials to other Government activities and to cooperating State and private agencies.

Sec. 204. Use of Forest Service appropriations for repair, etc. of equipment; rental of fire control equipment to non-Federal agencies.

Sec. 206. Care of graves of employees who lost their lives in fighting forest fires.

Sec. 211. Use of Forest Service funds for administration of certain lands.

Sec. 213. Appropriation authorization for the establishment and protection of water rights.

Interdepartmental work, services, etc.

Act of June 30, 1932 (47 Stat. 417, as amended; 31 U. S. C. 686, 686b)

SEC. 601. Section 7 of the Act entitled "An Act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes", approved May 21, 1920, is amended to read as follows:

"Section 7. (a) Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned: *Provided*, That the Department of the Army, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission may place orders, as provided herein, for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract: *Provided further*, That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

"(b) Amounts paid as provided in subsection (a) shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations or funds against which charges have been made pursuant to any such order, except as hereinafter provided. The Secretary of the Treasury shall establish such special working funds as may

be necessary to carry out the provisions of this subsection. Such amounts paid shall be available for expenditure in furnishing the materials, supplies, or equipment, or in performing the work or services, or for the objects specified in such appropriations or funds. Where materials, supplies, or equipment are furnished from stocks on hand, the amounts received in payment therefor shall be credited to appropriations or funds, as may be authorized by other law, or, if not so authorized, so as to be available to replace the materials, supplies, or equipment, except that where the head of any such department, establishment, bureau, or office determines that such replacement is not necessary the amounts paid shall be covered into the Treasury as miscellaneous receipts.

“(c) Orders placed as provided in subsection (a) shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to special working funds shall remain available to the procuring agency for entering into contracts and other uses during the fiscal year or years for which the appropriation involved was made and thereafter until said appropriation lapses under the law to the surplus fund of the Treasury.”

SEC. 602. (a) Notwithstanding the provisions of this title, such section 7, as in force prior to the date of the enactment of this Act, shall remain in force with respect to the disposition of funds transferred thereunder prior to such date.

(b) Nothing in this title shall be construed to authorize any Government department or independent establishment, or any bureau or office thereof, to place any orders for material, supplies, equipment, work, or services to be furnished or performed by convict labor, except as otherwise provided by existing law.

(c) The provisions of this title are in addition to and not in substitution for the provisions of any other law relating to working funds.

Contracts prior to appropriations.

Act of June 30, 1932 (47 Stat. 473; 16 U. S. C. 557a)

That the Secretary of Agriculture is hereafter authorized in connection with the administration of the national forests to enter into contracts for the procurement of services, materials, and supplies for the ensuing fiscal year, prior to the passage of an appropriation therefor: *Provided*, That such contract shall aliquot the cost for such service by fiscal years and shall not be binding on the United States as to that part for the ensuing year unless and until an appropriation applicable to the payment thereof is made: *And provided further*, That all such contracts shall by their terms provide that the obligation of the United States is contingent upon the passage of an applicable appropriation and that no payment thereunder will be made until such appropriation becomes available for expenditure.

Certain legal instruments not deposited in GAO.

Act of June 15, 1940 (54 Stat. 398; 41 U. S. C. 20a)

That permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national forest products, use of national forest land, or other sources of national forest revenue, including contributions by cooperators in

connection with authorized activities of the Forest Service, shall be exempt from the provisions of Section 20, Title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of \$300 in any one fiscal year.

NOTE.—The above Act modifies to the extent indicated Section 20, Title 41, U. S. Code, which requires that all contracts requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited in the General Accounting Office.

Tort Claims Procedure.

Chapter 171, Title 28 U. S. Code. Act of June 25, 1948, as amended

SEC. 2672. Administrative adjustment of claims of \$1,000 or less. The head of each federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of \$1,000 or less against the United States, accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the federal agency concerned out of such agency's appropriations therefor, which appropriations are hereby authorized.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

SEC. 2674. Liability of United States. The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.

SEC. 2675. Disposition by federal agency as prerequisite; evidence.

(a) An action shall not be instituted upon a claim against the United States which has been presented to a federal agency, for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee

of the government while acting within the scope of his authority, unless such federal agency has made final disposition of the claim.

(b) The claimant, however, may, upon fifteen days written notice, withdraw such claim from consideration of the federal agency and commence action thereon. Action under this section shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(c) Disposition of any claim by the Attorney General or other head of a federal agency shall not be competent evidence of liability or amount of damages.

SEC. 2677. *Compromise.* The Attorney General, with the approval of the court, may arbitrate, compromise, or settle any claim cognizable under section 1346 (b) of this title, after the commencement of an action thereon.

HIGHWAYS, FOREST DEVELOPMENT ROADS AND TRAILS

Sec. 23, Federal Highway Act (42 Stat. 218; 47 Stat. 158; secs. 301 and 302 of 1939 Reorganization Plan No. 1, 53 Stat. 1426; Act of June 29, 1948, 62 Stat. 1106; and sec. 2 of Reorganization Plan No. 7 of 1949; 23 U. S. C. 23)

Forest development roads and trails.

SEC. 23. (a) The appropriation made for any fiscal year for the survey, construction, reconstruction, and maintenance of forest development roads and trails shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the States and Territories by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction. (See note 1 at end of Section 23 (e).)

Forest highways.

The appropriations for forest highways shall be expended by the Secretary of Commerce in the survey, construction, reconstruction, and maintenance of forest highways of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Commerce for expenditures in the several States, Alaska, and Puerto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate. (As amended by sec. 3 (a) of Act of June 29, 1948, p. 39, see note 3.)

Apportionment and prorating of appropriation and authorization.

Sec. 2, Act of June 16, 1936 (49 Stat. 1520; secs. 301 and 302 of 1939 Reorganization Plan No. 1, 53 Stat. 1426; and sec. 2 of Reorganization Plan No. 7 of 1949; 23 U. S. C. 23)

SEC. 23. (b) Before January 2 of each year the Secretary of Commerce for forest highways and the Secretary of Agriculture for forest development roads and trails shall apportion and prorate among the several States and Territories as provided in subsection (a) of section 23, the sum authorized for the fiscal year immediately following and the Secretary of Commerce for forest highways and the Secretary of Agriculture for forest development roads and trails may approve projects under such apportionment, and incur obligations or enter into contracts under their apportionment and prorating of the authorization. Their action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof.

NOTE.—Functions of Secretary of Agriculture with respect to forest highways were transferred to the Federal Works Administrator by the 1939 Reorganization Plan cited above, and functions of the Federal Works Administrator were transferred to the Secretary of Commerce by Reorganization Plan No. 7 of 1949.

Cooperation and contracts with States and Territories.

SEC. 23 (c) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Commerce and the Secretary of Agriculture.

SEC. 23. (d) The Secretary of Commerce and the Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof. (See note 2 at end of section 23 (e).)

Contract limitation on forest development roads and trails.

SEC. 23. (e) Construction work on forest development roads or trails estimated to cost \$10,000 or more per mile, (see note 3 at end of this section), exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than \$10,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

Any appropriation that may be made for expenditure under the provisions of this section may be expended for the purpose authorized in this section and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

The total expenditures on account of any State or Territory, under this section, shall at no time exceed its authorized apportionment.

NOTE. 1.—The annual limitation of one-third, but not less than \$3,000,000 for forest development roads and trails as provided in section 2 of the Act of June 16, 1936 (49 Stat. 1520) is no longer applicable since separate authorizations and appropriations are now provided for forest highways and for forest development roads and trails.

NOTE 2.—Only the functions and personnel of the Bureau of Public Roads were transferred out of the Department of Agriculture by the 1939 Reorgani-

zation Plan No. 1, sections 301 and 302 (53 Stat. 1426; 5 U. S. C. 1338). Prior to the approval of such plan the responsibility for performing the functions relative to forest development roads and trails was expressly assigned to the Forest Service by regulation of the Secretary of Agriculture. Responsibility for carrying out such functions was never assigned to the Bureau of Public Roads. Accordingly, some of the general provisions of Section 23 of the Federal Highway Act of November 9, 1921, as amended, now apply to the Secretary of Commerce with respect to forest highways and to the Secretary of Agriculture with respect to forest development roads and trails.

NOTE 3.—This limitation was formerly \$5,000. It was changed to \$10,000 by Sec. 3 (c) of the Act of June 29, 1948.

Administration of appropriation.

Section 6, Act of September 5, 1940 (54 Stat. 869; 23 U. S. C. 23b)

Appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Agriculture and the Secretary of Commerce.

Roadside Development.

Act of September 5, 1940 (54 Stat. 867, 870; 23 U. S. C. 10b)

Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Bureau of Public Roads. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Bureau of Public Roads: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and matched by any State under this Act may be used for the purchase of such adjacent strips of land without being matched by the States.

FLOOD CONTROL

Title 33 U. S. Code

NOTE.—By administrative direction the Forest Service and Soil Conservation Service are within their respective spheres responsible for carrying out on approved areas the Department of Agriculture program of preliminary examinations, surveys, and operations pursuant to the authority contained in the following flood control laws.

SEC. 701a. Declaration of flood control policy.

It is recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the

interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of the people are otherwise adversely affected. (June 22, 1936, ch. 688, sec. 1, 49 Stat. 1570.)

SEC. 701a-1. Definition of "flood control"; jurisdiction of Federal investigations.

The words "flood control" as used in section 701a of this title, shall be construed to include channel and major drainage improvements, and Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the Department of the Army under the direction of the Secretary of the Army and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress. (Dec. 22, 1944, ch. 665, sec. 2, 58 Stat. 889.)

SEC. 701b. Supervision of Secretary of the Army and Secretary of Agriculture; reclamation projects unaffected.

Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the Department of the Army under the direction of the Secretary of the Army and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and in their reports upon examinations and surveys, the Secretary of the Army and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 701a of this title in the determination of the Federal interests involved: *Provided*, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law. (June 22, 1936, ch. 688, sec. 2, 49 Stat. 1570; June 28, 1938, ch. 795, sec. 1, 52 Stat. 1215; Aug. 18, 1941, ch. 377, sec. 1, 55 Stat. 638.)

SEC. 701b-1. Transfer of jurisdiction in certain cases to Department of Agriculture.

In order to effectuate the policy declared in sections 701a and 701b of this title, and to correlate the program for the improvement of rivers and other waterways by the Department of the Army with the program for the improvement of watersheds by the Department of Agriculture, works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention on the watersheds of waterways, for which works of improvement for the benefit of navigation and the control of destructive floodwaters and other provisions have been adopted and authorized to be prosecuted under the direction

of the Secretary of War and supervision of the Chief of Engineers, are authorized to be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and in accordance with plans approved by him. * * *: *Provided*, That such works and measures which are herein authorized to be prosecuted by the Department of Agriculture may be carried out on the watersheds of the Rio Grande and Pecos Rivers subject to the proviso in section 701b of this title. (June 28, 1938, ch. 795, sec. 7, 52 Stat. 1225.)

SEC. 701b-2. Cooperation by Secretaries of the Army and Agriculture; expenditures.

In carrying out the purposes of sections 701a, 701b, 701c, 701d, 701e, 701f, and 701h of this title, as amended and supplemented, the Secretary of the Army and the Secretary of Agriculture are authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for official use, and for other necessary expenses. The provisions of this section shall be applicable to any funds heretofore appropriated for the prosecution by the Secretary of Agriculture of works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention upon watersheds. (June 28, 1938, ch. 795, sec. 5, 52 Stat. 1223; Aug. 18, 1941, ch. 377, sec. 8, 55 Stat. 650.)

SEC. 701c. Imposing of local requirements authorized.

* * * * *

(d) as a condition to the extending of any benefits, in prosecuting measures for run-off and water-flow retardation and soil erosion prevention authorized by Act of Congress pursuant to the policy declared in section 701a of this title, to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of such Acts, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for run-off and water-flow retardation and soil-erosion prevention:

(2) Agreements or covenants as to the permanent use of such lands; and

(3) Contributions in money, services, materials, or otherwise to any operations conferring such benefits. (June 22, 1936, ch. 688, sec. 3, 49 Stat. 1571; Aug. 28, 1937, ch. 877, sec. 4, 50 Stat. 877.)

SEC. 701e. Flood control funds supplemental to all other appropriations for similar purposes.

* * * * *

The authority conferred by sections 701a, 701b, 701c, 701d-701f, and 701h of this title and sections 5-7 of Act June 22, 1936, ch. 688, 49 Stat. 1572-1596, and any funds appropriated pursuant thereto for expendi-

ture are supplemental to all other authority and appropriations relating to the departments or agencies concerned, and nothing in said sections shall be construed to limit or retard any department or agency in carrying out similar and related activities heretofore or hereafter authorized, or to limit the exercise of powers conferred on any department or agency by other provisions of law is¹ carrying out similar and related activities. (June 22, 1936, ch. 688, sec. 8, 49 Stat. 1596.)

SEC. 702a-10. Use of properties in Morganza, Eudora, and West Atchafalaya Floodways for national forests and wildlife refuges.

* * * * *

And provided further, That if the Secretary of Agriculture shall determine to acquire any of the properties within the floodways herein referred to, for national forests, wildlife refuges, or other purposes of his Department, the Secretary of the Army may, upon recommendation by the Chief of Engineers, in lieu of acquiring flowage rights, advance to or reimburse the said Secretary of Agriculture sums equal to those that would otherwise be used for the purchase of easements desired by the Department of the Army and the Secretary of Agriculture is authorized to use these sums for the purpose of acquiring properties in the floodways in question. (June 15, 1936, ch. 548, sec. 12, 49 Stat. 1512.)

Act of December 22, 1944 (58 Stat. 887)

An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

* * * * *

SEC. 13. That the following works of improvement for run-off and water-flow retardation, and soil-erosion prevention, are hereby adopted and authorized in the interest of the national security and with a view toward an adequate reservoir of useful and worthy public works for the postwar construction program to be prosecuted by the Department of Agriculture, under the direction of the Secretary of Agriculture, in accordance with the plans of the respective reports hereinafter designated and subject to the conditions set forth therein: *Provided*, That the necessary plans and preliminary work may be prosecuted during the war with funds from appropriations heretofore or hereafter made for such works so as to be ready for rapid inauguration of postwar construction: *Provided further*, That when the existing critical situation with respect to materials, equipment, and manpower, no longer exists and in any event not later than immediately following the cessation of hostilities in the present war, the projects herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: *Provided further*, That nothing in this section shall be construed as approving or authorizing the acquisition of any land by the Federal Government until the legislature of the State in which the land lies shall have consented to the acquisition of lands by the United States for the purposes within the scope of this section: *Provided further*, That there shall be paid annually to the county in which any lands acquired under this section may lie, a sum equal to 1 per centum of the purchase price paid for the

¹ So in original.

lands acquired in that county or, if not acquired by purchase, 1 per centum of their valuation at the time of their acquisition.

Works of improvement were adopted and authorized by the Act of December 22, 1944, on the following watersheds:

Los Angeles River Basin	Little Sioux River Watershed
Santa Ynez River Watershed	Potomac River Watershed
Trinity River Basin (Texas)	Buffalo Creek Watershed (New York)
Little Tallahatchie River Watershed	Colorado River Watershed (Texas)
Yazoo River Watershed	Washita River Watershed
Coosa River Watershed (Above Rome, Georgia)	

Flood Control Act of 1950 (Public Law 516)

SEC. 216. That section 7 of the Flood Control Act approved June 28, 1938, as amended by section 15 of the Act approved December 22, 1944, is hereby amended to read as follows: "The Secretary of Agriculture is hereby authorized in his discretion to undertake such emergency measures for run-off retardation and soil-erosion prevention as may be needed to safeguard lives and property from floods and the products of erosion on any watershed whenever fire or any other natural element or force has caused a sudden impairment of that watershed: *Provided*, That not to exceed \$300,000 out of any funds heretofore or hereafter appropriated for the prosecution by the Secretary of Agriculture of works of improvement or measures for run-off and water-flow retardation and soil-erosion prevention on watersheds may be expended during any one fiscal year for such emergency measures."

Act of January 19, 1948 (62 Stat. 4)

An Act to amend section 3 of the Flood Control Act approved August 28, 1937, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Flood Control Act approved August 28, 1937, is amended to read as follows:

"SEC. 3. That, in order to further the declaration of policy and principles declared in sections 1 and 2 of the Flood Control Act approved June 22, 1936, and to supplement the preliminary examinations and surveys which the Secretary of the Army has heretofore been, or is hereafter, authorized and directed to make of waterways with a view to the control of their floods, the Secretary of Agriculture be, and he is hereby, authorized and directed to cause preliminary examinations and surveys to be made for run-off and waterflow retardation and soil-erosion prevention on the watersheds of said waterways, the costs thereof to be paid from appropriations heretofore or hereafter made for such purposes."

SEC. 2. After the Secretary of Agriculture has submitted to Congress a regular or formal report made on any examination or survey, pursuant to the Flood Control Act approved June 22, 1936, as amended and supplemented, a supplemental, additional, or review report or estimate may be made if authorized by law or by resolution of the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate.

MAJOR ACTS OF CONGRESS, ARRANGED IN THE ORDER OF THEIR ENACTMENT, RELATING TO FOREST SERVICE ACTIVITIES.

ADMINISTRATION ACT OF 1897

(Act of June 4, 1897, as amended; 30 Stat. 34-36; 31 Stat. 661; 33 Stat. 628; 34 Stat. 684, 1269; 43 Stat. 1132)

All public lands heretofore designated and reserved by the President of the United States under the provisions of the Act approved March third, eighteen hundred and ninety-one (26 Stat. 1095, 1103; Sec 471, title 16, U. S. C.), the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as national forests under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions (16 U. S. C. 475):

No national forest shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes (16 U. S. C. 475).

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one (26 Stat. 1095, 1103; Sec. 471, title 16, U. S. C.), and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States (18 U. S. C. 1853).

Derivation of 18 U. S. C. 1853

[As above indicated section 5388 of the Revised Statutes was amended by the Act of June 4, 1888 (25 Stat. 166). By the Act of March 4, 1909 (35 Stat. 1098, 1153), R. S. 5388 was repealed and reenacted as section 50 of the Criminal Code. Such section 50 was later designated section 104, Title 18, of the 1940 ed., of the U. S. Code, and by the Act of June 25, 1948 (62 Stat. 787), effective September 1, 1948, was reenacted and designated section 1853, Chap. 91, Title 18, U. S. C.]

For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such

quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. (Note: In effect, the Act of April 12, 1926, 44 Stat. 242; 16 U. S. C. 616 removed the prohibition against export.) Before such sale shall take place notice thereof shall be given by the said Secretary of Agriculture, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists. In cases of unusual emergency the Secretary of Agriculture may, in the exercise of his discretion, permit the purchase of timber and cordwood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale. He may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cordwood and other forest products not exceeding in value \$500. In cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold without further advertisement, at private sale, in the discretion of the Secretary of Agriculture, at not less than the appraised valuation, in quantities to suit purchasers. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make reports in writing to the Secretary of Agriculture (16 U. S. C. 476).

NOTE: The Act of June 4, 1897 (30 Stat. 35), contained the following provision which was repealed by implication by the Act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472); and the Act of March 4, 1907 (34 Stat. 1270; 16 U. S. C. 499):

"Payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, * * *; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury."

The Secretary of Agriculture may permit, under regulations to be prescribed by him, the use of timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located (16 U. S. C. 477).

Nothing herein (Secs. 473-482, inclusive, and Sec. 551, title 16, U. S. C.) shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of national forests, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such national forests for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with

the rules and regulations covering such national forests (16 U. S. C. 478).

The settlers residing within the exterior boundaries of national forests, or in the vicinity thereof, may maintain schools and churches within such national forest, and for that purpose may occupy any part of the said national forest, not exceeding two acres for each schoolhouse and one acre for a church (16 U. S. C. 479).

The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State (16 U. S. C. 480).

All waters within the boundaries of national forests may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such national forests are situated, or under the laws of the United States and the rules and regulations established thereunder (16, U. S. C. 481).

Upon the recommendation of the Secretary of Agriculture, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any national forest is situated, and near the said national forest, any public lands embraced within the limits of any such forest which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of Agriculture, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any national forest which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained (16 U. S. C. 482).

The President is hereby authorized at any time to modify any Executive Order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve (16 U. S. C. 473).

NOTE: The Act of June 4, 1897 (30 Stat. 34) also contained the following provision:

"That, to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive Orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interest." (See 16, U. S. C. 473).

TRANSFER ACT OF 1905

(Act of February 1, 1905; 33 Stat. 628; 16 U. S. C. 472)

An Act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary

of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and Acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands (16 U. S. C. 472).

* * * * *

SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated (16 U. S. C. 554).

SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated (16 U. S. C. 524).

* * * * *

NOTE.—The following is quoted from a letter sent the Chief of the Forest Service by Secretary of Agriculture James Wilson on February 1, 1905, the date the above Transfer Act was approved by the President:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources.

"The vital importance of forest reserves to the great industries of the western states will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home-builder first of all; upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense.

"In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice; and where conflicting interests must be reconciled, the question will always be decided from the standpoint of the greatest good of the greatest number in the long run."

WEEKS LAW

(Act of March 1, 1911, 36 Stat. 961, as amended, Secs. 480, 500, 513-519, 521, 552, 563, title 16, U. S. C.)

Act of March 1 1911 (36 Stat. 961) to enable any State to cooperate with any other State or States or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact (16 U. S. C. 552).

SEC. 2. That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year (16 U. S. C. 563).

SEC. 3. (This section provided annual appropriations for five years, ending June 30, 1915. Since then appropriations for carrying out the purposes of this Act have from time to time been made available in the appropriation Acts for the Department of Agriculture.)

SEC. 4. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of the Army,¹ the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment (16 U. S. C. 513).

¹ The Act of September 21, 1950 (64 Stat. 872) authorizes the Chief of Engineers of the Army to act as an alternate for the Secretary of the Army.

SEC. 5. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

(The provisions of sections 6 and 7 of this Act were extended to Puerto Rico by Joint Resolution of March 3, 1931, 46 Stat. 1516, subject to the restriction that not to exceed 50,000 acres of land may be acquired in Puerto Rico under section 6.)

SEC. 6. (As amended by Sec. 6 of the Act of June 7, 1924, 43 Stat. 654.) That section 6 of the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon (16 U. S. C. 515).

SEC. 7. (As amended by Act of March 3, 1925, 43 Stat. 1215.) That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. *Provided further*, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this Act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this Act which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him: *And provided further*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agricul-

ture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this Act (16 U. S. C. 516).

SEC. 8. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney General and shall be vested in the United States: *Provided*, That in condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this Act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular (16 U. S. C. 517).

(The above proviso was added by the Act of December 11, 1926, 44 Stat. 919; 16 U. S. C. 517a)

SEC. 9. (As amended by the Act of March 4, 1913, 37 Stat. 855.) That such acquisition by the United States shall in no case be defeated because of located or defined rights-of-way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of the Act: *Provided*, That such rights-of-way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regulations shall be expressed in and made part of the written instruments conveying title to the lands to the United States; and the use, occupation, and operation of such rights-of-way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed (16 U. S. C. 518).

SEC. 10. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated, or perfected, except as in this section provided (16 U. S. C. 519).

SEC. 11. That, subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific National Forests and so designate the same as he may deem best for administrative purposes (16 U. S. C. 521).

SEC. 12. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this Act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State (16 U. S. C. 480).

SEC. 13. (As amended by 38 Stat. 441 and 64 Stat. 82.) That twenty-five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein (16 U. S. C. 500).

SEC. 14. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Effective July 1, 1935, the permanent appropriation provided for in this section was repealed by the Act of June 26 1934, Sec. 2, 48 Stat. 1225, such Act authorizing, in lieu thereof an annual appropriation from the general fund of the Treasury. (See Section 725a (b) of title 31, U. S. C.)

EXCHANGE ACTS

Act of March 20, 1922 (42 Stat. 465, 16 U. S. C. 485) as amended by Act of February 28, 1925 (43 Stat. 1090).

An Act to consolidate national forest lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries

of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

SEC. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (Section 2 added by Act of February 28, 1925, 43 Stat. 1090; 16 U. S. C. 486).

NOTE: The foregoing Act applies to national forest lands established from the public domain.

Act of March 3, 1925 (43 Stat. 1215; 16 U. S. C. 516), amended section 7 of the Weeks Law by adding the following thereto:

Provided further, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this Act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this Act which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such

national forests in the same State, the values in each case to be determined by him: *And provided further*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this Act.

NOTE: The foregoing provision applies to lands acquired under the Weeks Law.

CLARKE-McNARY ACT

Act of June 7, 1924 (43 Stat. 653; 16 U. S. C. 564-570, 471 and 515)

An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor.

That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor.

SEC. 2. That if the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams,

but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States. (As amended by Act of April 13, 1926, 44 Stat. 242; 16 U. S. C. 565.)

(Authority conferred by secs. 1 and 2 extended to Territories and Puerto Rico by Public Resolutions of February 20 and March 3, 1931, 46 Stat. 1200, 1516.)

(The provisions of sections 3, 4 and 5 of this Act were extended to the Territories and possessions of the United States by Joint Resolution of April 13, 1926, 44 Stat. 250.)

SEC. 3. That the Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire. There is hereby authorized to be appropriated annually not more than \$20,000,000, to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of the Act of June 7, 1924 (43 Stat. 653), as amended: *Provided*, That the appropriation under this authorization shall not exceed \$11,000,000 for the fiscal year ending June 30, 1950; \$13,000,000 for the fiscal year ending June 30, 1951; \$15,000,000 for the fiscal year ending June 30, 1952; \$17,000,000 for the fiscal year ending June 30, 1953; and \$19,000,000 for the fiscal year ending June 30, 1954 (as amended by Act of October 26, 1949, 63 Stat. 909).

Section 4 of the Act of October 26, 1949 (63 Stat. 909), which relates to programs and activities authorized by sections 1, 2 and 3 of this Act, provides as follows:

Notwithstanding any other provision of law, no funds heretofore or hereafter authorized to be appropriated to the Department of Agriculture or available under any other than the Act of June 7, 1924 (43 Stat. 653), shall be used for carrying out the programs or activities authorized by sections 1, 2, and 3 of said Act, as amended: *Provided*, That whenever the programs and activities being carried out under the provisions of sections 1, 2, and 3 of said Act are inadequate to the needs and purposes of programs and activities authorized by other law the use of funds specifically authorized to be appropriated to the Department of Agriculture or made available under other law shall not be prohibited to the extent that the programs and activities under said sections of the Act of June 7, 1924, are inadequate to accomplish the purposes of such other programs and activities.

SEC. 4. The Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing forests, windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or non-

forested lands in the cooperating States and growing timber thereon. The amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State official having charge of the cooperative work for the State that State expenditures as provided for in this section have been made. There is hereby authorized to be appropriated to enable the Secretary of Agriculture to carry out the provisions of this section not more than \$1,000,000 for the fiscal year ending June 30, 1950; \$1,500,000 for the fiscal year ending June 30, 1951; \$2,000,000 for the fiscal year ending June 30, 1952; and \$2,500,000 for each subsequent fiscal year. (As amended by Act of October 26, 1949, 63 Stat. 909.)

(See Sec. 208 Act of Sept. 21, 1944, 58 Stat. 734, 736, p. 69 hereof)

SEC. 5. The Secretary of Agriculture is hereby authorized and directed, in cooperation with the land grant colleges and universities of the various States or, in his discretion, with other suitable State agencies, to aid farmers through advice, education, demonstrations, and other similar means in establishing, renewing, protecting, and managing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in harvesting, utilizing, and marketing the products thereof. Except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the appropriate State official that the State expenditures, as provided for in this section, have been made. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$500,000 to enable the Secretary of Agriculture to carry out the provisions of this section. (As amended by Act of October 26, 1949, 63 Stat. 909).

(See Sec. 208 Act of Sept. 21, 1944, 58 Stat. 734, 736, p. 69 hereof)

(The provisions of sections 6 and 7 of this Act were extended to Puerto Rico by Joint Resolution of March 3, 1931, 46 Stat. 1516, subject to the restriction that not to exceed 50,000 acres of land may be acquired in Puerto Rico under section 6.)

SEC. 6. That Section 6 of the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the

Secretary of Agriculture showing that such control will promote the production of timber thereon (16 U. S. C. 515).

SEC. 7. That to enable owners of land chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located (16 U. S. C. 569).

SEC. 8. That the Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States: *Provided*, That in condemnation proceedings, heretofore or hereafter prosecuted, for the acquisition of lands under this Act, in which a decree is entered vesting title thereto in the United States upon payment of the award into the registry of the court, the Secretary of Agriculture is authorized to make such payment when advised by the Attorney General that the proceedings and the decree are regular (16 U. S. C. 570).

SEC. 9. That the President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the

area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on the national forests created under this section. All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law. Any person who shall violate any rule or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both (16 U. S. C. 471 and 505).

McSWEENEY-McNARY ACT

Act of May 22, 1928 (45 Stat. 699), as amended, secs. 581 a-i, title 16; U. S. C.

An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes.

That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided*, That in carrying out the provisions of this act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered

into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this act, and in making refunds to contributors: *Provided further*, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: *Provided further*, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this act making provision for investigations of forest tree and wood diseases, forest insects, and forest wild life, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: *And provided further*, That the provisions of this act shall be construed as supplementing all other acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority (16 U. S. C. 581).

Sec. 2. That for conducting fire, silvicultural, and other forest investigations and experiments the Secretary of Agriculture is hereby authorized, in his discretion, to maintain the following forest experiment stations for the regions indicated, and in addition to establish and maintain one such station for the intermountain region in Utah and adjoining States, one in Alaska, and one in the tropical possessions of the United States in the West Indies:

Northeastern forest experiment station, in New England, New York, and adjacent States;

Allegheny forest experiment station, in Pennsylvania, New Jersey, Delaware, Maryland, and in neighboring States;

Appalachian forest experiment station, in the southern Appalachian Mountains and adjacent forest regions;

Southern forest experiment station, in the Southern States;

Central States forest experiment station, in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, and in adjacent States;

Lake States forest experiment station, in the Lake States and adjoining States;

California forest experiment station, in California and in adjoining States;

Northern Rocky Mountain forest experiment station, in Idaho, Montana, and adjoining States;

Northwestern forest experiment station, in Washington, Oregon, and adjoining States, and in Alaska;

Rocky Mountain forest experiment station, in Colorado, Wyoming, Nebraska, South Dakota, and in adjacent States; and

Southwestern forest experiment station, in Arizona, and New Mexico, and in adjacent States, and in addition to establish and maintain one such station for the intermountain region of Utah and adjoining States, one for Alaska, one in Hawaii, and one in the tropical possessions of the United States in the West Indies, and one additional station in the Southern States.

There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000 to carry out the provisions of this section.

[Amended 49 Stat. 1515, sec. 581a, title 16, U. S. C. The Secretary of Agriculture is further authorized to establish and maintain a

forest experiment station in the Great Plains and Prairie States, to be known as the "Great Plains Forest Experiment Station," and to acquire by purchase, condemnation, donation, or otherwise such real property or interest therein as in his judgment is required for the use of said station, including the making of necessary expenditures in examining, appraising, and surveying any such property and in doing all things incident to perfecting title thereto in the United States. There is authorized to be appropriated annually such additional sums as may be required for the purposes of this paragraph.]

SEC. 3. That for investigations of the diseases of forest trees and of diseases causing decay and deterioration of wood and other forest products, and for developing methods for their prevention and control at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000 (16 U. S. C. 581b).

SEC. 4. That for investigations of forest insects, including gypsy and browntail moths, injurious or beneficial to forest trees or to wood or other forest products, and for developing methods for preventing and controlling infestations, at forest experiment stations, the Forest Products Laboratory, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$350,000 (16 U. S. C. 581c).

SEC. 5. That for such experiments and investigations as may be necessary in determining the life histories and habits of forest animals, birds, and wild life, whether injurious to forest growth or of value as supplemental resource, and in developing the best and most effective methods for their management and control at forest experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$150,000 (16 U. S. C. 581d).

SEC. 6. That for such investigations at forest experiment stations, or elsewhere, of the relationship of weather conditions to forest fires as may be necessary to make weather forecasts, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$50,000 (16 U. S. C. 581e).

SEC. 7. That for such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$275,000 (16 U. S. C. 581f).

SEC. 8. That for experiments, investigations, and tests with respect to the physical and chemical properties and the utilization and preservation of wood and other forest products, including tests of wood and other fibrous material for pulp and paper making, and such other experiments, investigations, and tests as may be desirable, at the Forest Products Laboratory or elsewhere, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$1,000,000, and an additional appropriation of not more than \$50,000 annually for similar experi-

ments, investigations, and tests of foreign woods and forest products important to the industries of the United States, including necessary field work in connection therewith (16 U. S. C. 581g).

SEC. 9. That the Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them or directly with private and other agencies, in making and keeping current a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$1,000,000 annually to complete the initial survey authorized by this section: *Provided*, That the total appropriation of Federal funds under this section to complete the initial survey shall not exceed \$11,000,000. There is additionally authorized to be appropriated not to exceed \$1,500,000 annually to keep the survey current. (As amended by Act of May 31, 1944, 58 Stat. 265; Act of June 25, 1949, 63 Stat. 271; 16 U. S. C. 581h.)

SEC. 10. That for such investigations of cost and returns and the possibility of profitable reforestation under different conditions in the different forest regions, of the proper function of timber growing in diversified agriculture and in insuring the profitable use of marginal land, in mining, transportation, and in other industries, of the most effective distribution of forest products in the interest of both consumer and timber grower, and for such other economic investigations of forest lands and forest products as may be necessary, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$250,000.

KNUTSON-VANDENBERG ACT

Act of June 9, 1930 (46 stat. 527) ; sec. 576, title 16, U. S. C.

An Act Authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes.

That the Secretary of Agriculture is hereby authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this Act: *Provided*, That nothing in this Act shall be deemed to restrict the authority of the said Secretary under other authority of law.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed \$250,000; for the fiscal year ending June 30, 1933, not to exceed \$300,000; for the fiscal year ending June 30, 1934, not to exceed \$400,000; and for each fiscal year thereafter, not to exceed \$400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the addi-

tional protection, care, and improvement of the resulting plantations or young growth.

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest-improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

BANKHEAD-JONES FARM TENANT ACT

(Act of July 22, 1937, 50 Stat. 525; 7 U. S. C. 1010, 1011, 1012 and 1018)

TITLE III

SEC. 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety and welfare.

SEC. 32. To effectuate the program provided for in section 31, the Secretary is authorized—

* * * * *

(b) To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use.

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title,

but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes. *Provided, however,* That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of the Act, and that the value of the property received in exchange is substantially equal to that of the property conveyed. (Act of July 28, 1942, 56 Stat. 725.) The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

(d) With respect to any land, or any interest therein, acquired by, or transferred to, the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

(e) To cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this title, and to disseminate information concerning these activities.

(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished as prescribed in section 5388 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 18, sec. 104).

SEC. 33. As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land is held by the Secretary under this title, 25 per centum of the net revenues received by the Secretary from the use of the land during such year. In case the land is situated in more than one county, the amount to be paid shall be divided equitably among the respective counties. Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land.

* * * * *

TITLE IV

SEC. 44. The sale or other disposition of any real property acquired by the Secretary pursuant to the provisions of this Act, or any interest, therein, shall be subject to the reservation by the Secretary on behalf of the United States of not less than an undivided three-fourths of the interest of the United States in all coal, oil, gas and other minerals in or under such property.

WHITE PINE BLISTER RUST PROTECTION ACT

Act of April 26, 1940 (54 Stat. 168; 16 U. S. C. 594a)

An Act for the protection against the white-pine blister rust, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote the stability of white-pine forest-using industries, employment, and communities through the continuous supply of white- and sugar- pine timber, the Secretary of Agriculture is authorized in cooperation with such agencies as he may deem necessary to use such funds as have been, or may hereafter be made available for the purpose of controlling white-pine blister rust, by preventing the spread to, and eliminating white-pine blister rust from, all forest lands, irrespective of the ownership thereof, when in the judgment of the Secretary of Agriculture the use of such funds on such lands is necessary in the control of the white-pine blister rust: *Provided*, That in the discretion of the Secretary of Agriculture no expenditures from funds provided under this authorization shall be made on private or State lands (except where such lands are intermingled with those which are federally owned and it is necessary in order to protect the property of the United States to work on those parts of the private or State-owned lands that immediately adjoin Federal lands) until a sum, or sums, at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations concerned: *Provided further*, That no part of such appropriations shall be used to pay the cost or value of property injured or destroyed: *And provided further*, That any plan for the control and elimination of white-pine blister rust on lands owned by the United States or retained under restriction by the United States for Indian tribes and for individual Indians shall be subject to the approval of the Federal agency or Indian tribe having jurisdiction over such lands, and the Secretary of Agriculture may, in his discretion and out of any moneys made available under this Act, make allocations to said Federal agencies in such amounts as he may deem necessary for white-pine blister-rust control and elimination on lands so held or owned by the United States, the moneys so allocated to be expended by said agencies for the purposes specified.

PROTECTION OF MUNICIPAL WATER SUPPLY ACT

Act of May 28, 1940 (54 Stat. 224; 16 U. S. C. 552a-552d)

An Act to authorize the withdrawal of national-forest lands for the protection of watersheds from which water is obtained for municipalities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is hereby, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties

in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power of the Secretary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws: *And provided further*, That the President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any of the lands so withdrawn to appropriation under an applicable public-land law.

SEC. 2. Lands withdrawn under the provisions of this Act shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is hereby authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof.

SEC. 3. Whenever national-forest lands are withdrawn under this Act, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition.

SEC. 4. Any violation of the regulations issued under this Act shall be punished as is provided in section 50 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (35 Stat. L. 1098).

SUSTAINED YIELD FOREST MANAGEMENT ACT

Act of March 29, 1944 (58 Stat. 132; 16 U. S. C. 583-583 i)

An Act to promote sustained-yield forest management in order thereby (a) to, stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote the stability of forest industries, of employment, of communities, and of taxable forest wealth, through continuous supplies of timber; in order to provide for a continuous and ample supply of forest products; and in order to secure the benefits of forests in maintenance of water supply, regulation of stream flow, prevention of soil erosion,

amelioration of climate, and preservation of wildlife, the Secretary of Agriculture and the Secretary of the Interior are severally authorized to establish by formal declaration, when in their respective judgments such action would be in the public interest, cooperative sustained-yield units which shall consist of federally owned or administered forest land under the jurisdiction of the Secretary establishing the unit and, in addition thereto, land which reasonably may be expected to be made the subject of one or more of the cooperative agreements with private landowners authorized by section 2 of this Act.

SEC. 2. The Secretary of Agriculture, with respect to forest land under his jurisdiction, and the Secretary of the Interior, with respect to forest land under his jurisdiction, are severally authorized, for the purposes specified in section 1 of this Act, to enter into cooperative agreements with private owners of forest land within a cooperative sustained-yield unit, established pursuant to section 1 of this Act, providing for the coordinated management of such private forest land and of federally owned or administered forest lands within the sustained-yield unit involved.

Each cooperative agreement may give the cooperating private landowner the privilege of purchasing without competitive bidding at prices not less than their appraised value, subject to periodic readjustments of stumpage rates and to such other conditions and requirements as the Secretary may prescribe, timber and other forest products from federally owned or administered forest land within the unit, in accordance with the provisions of sustained-yield management plans formulated or approved by the Secretary for the unit; shall limit the time, rate, and method of cutting or otherwise harvesting timber and other forest products from the land of the cooperating private landowner, due consideration being given to the character and condition of the timber, to the relation of the proposed cutting to the sustained-yield plan for the unit, and to the productive capacity of the land; shall prescribe the terms and conditions, but not the price, upon which the cooperating private landowner may sell to any person timber and other forest products from his land, compliance by the purchaser with such conditions to be required by the contract of sale; shall contain such provisions as the Secretary deems necessary to protect the reasonable interest of other owners of forest land within the unit; and shall contain such other provisions as the Secretary believes necessary to carry out the purposes of this Act.

Each cooperative agreement shall be placed on record in the county or counties in which the lands of the cooperating private landowner covered thereby are located, and the costs incident to such recordation may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit. When thus recorded, the agreement shall be binding upon the heirs, successors, and assigns of the owner of such land, and upon purchasers of timber or other forest products from such land, throughout the life of such cooperative agreement.

SEC. 3. The Secretary of Agriculture and the Secretary of the Interior are further severally authorized, whenever in their respective judgments the maintenance of a stable community or communities is primarily dependent upon the sale of timber or other forest products from federally owned or administered forest land and such maintenance cannot effectively be secured by following the usual procedure in selling such timber or other forest products, to establish by formal dec-

laration for the purpose of maintaining the stability of such community or communities a sustained-yield unit consisting of forest land under the jurisdiction of the Secretary establishing such unit, to determine and define the boundaries of the community or communities for whose benefit such unit is created, and to sell, subject to such conditions and requirements as the Secretary believes necessary, federally owned or administered timber and other forest products from such unit without competitive bidding at prices not less than their appraised values, to responsible purchasers within such community or communities.

SEC. 4. Each of the said Secretaries is further authorized in his discretion to enter into cooperative agreements with the other Secretary, or with any Federal agency having jurisdiction over federally owned or administered forest land, or with any State or local agency having jurisdiction over publicly owned or administered forest land, providing for the inclusion of such land in any coordinated plan of management otherwise authorized by the provisions of this Act when by such a cooperative agreement he may be aided in accomplishing the purposes of this Act; but no federally or publicly owned or administered forest land not under the jurisdiction of the Secretary establishing the sustained-yield unit concerned shall be included in any such plan except in pursuance of a cooperative agreement made under this section.

SEC. 5. Before any sustained-yield unit authorized by section 1 or section 3 of this Act shall be established, and before any cooperative agreement authorized by section 2 or section 4 of this Act shall be entered into, advance notice thereof shall be given by registered mail to each landowner whose land is proposed to be included and by publication in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of the federally owned or administered forest land involved. This notice shall state: (1) the location of the proposed unit; (2) the name of each proposed cooperator; (3) the duration of the proposed cooperative agreement or agreements; (4) the location and estimated quantity of timber on the land of each proposed cooperator and on the Federal land involved; (5) the expected rate of cutting of such timber; and (6) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice for the presentation of the advantages and disadvantages of the proposed action to the community or communities affected.

Before any sale agreement made without competition and involving more than \$500 in stumpage value of federally owned or administered timber shall be entered into under this Act, advance notice thereof shall be given by publication once weekly for four consecutive weeks in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit concerned. This notice shall state: (1) the quantity and appraised value of the timber; (2) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice if requested by the State or county where the timber

is located or by any other person deemed to have a reasonable interest in the proposed sale or in its terms; and (3) the place where any request for a public hearing shall be made. Such requests need be considered only if received at the place designated in the notice not later than fifteen days after the first publication of such notice. If a request for a hearing is received within the time designated, notice of the holding of the hearing shall be given not less than ten days before the time set for such hearing, in the same manner as provided for the original notice.

The determination made by the Secretary having jurisdiction upon the proposals considered at any such hearing, which determination may include the modification of the terms of such proposals, together with the minutes or other record of the hearing, shall be available for public inspection during the life of any coordinated plan of management or agreement entered into in consequence of such determination.

SEC. 6. In addition to any other remedy available under existing law, upon failure of any private owner of forest land which is subject to a cooperative agreement entered into pursuant to this Act to comply with the terms of such agreement, or upon failure of any purchaser of timber or other forest products from such land to comply with the terms and conditions required by such agreement to be included in the contract of sale, the Attorney General, at the request of the Secretary concerned, is authorized to institute against such owner or such purchaser a proceeding in equity in the proper district court of the United States, to require compliance with the terms and conditions of said cooperative agreement; and jurisdiction is hereby conferred upon said district courts to hear and determine such proceedings, to order compliance with the terms and conditions of cooperative agreements entered into pursuant to this Act, and to make such temporary and final orders as shall be deemed just in the premises. As used in this section the term "owner" shall include the heirs, successors, and assigns of the landowner entering into the cooperative agreements.

SEC. 7. Whenever used in this Act, the term "federally owned or administered forest land" shall be construed to mean forest land in which, or in the natural resources of which, the United States has a legal or equitable interest of any character sufficient to entitle the United States to control the management or disposition of the timber or other forest products thereon, except land heretofore or hereafter reserved or withdrawn for purposes which are inconsistent with the exercise of the authority conferred by this Act; and shall include trust or restricted Indian land, whether tribal or allotted, except that such land shall not be included without the consent of the Indians concerned.

SEC. 8. The Secretary of Agriculture and the Secretary of the Interior may severally prescribe such rules and regulations as may be appropriate to carry out the purposes of this Act. Each Secretary may delegate any of his powers and duties under this Act to other officers or employees of his Department.

SEC. 9. Nothing contained in this Act shall be construed to abrogate or curtail any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by any Act relating to management of federally owned or administered forest lands, and nothing contained in any such Acts shall be construed to limit or restrict any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by this Act.

SEC. 10. Funds available for the protection or management of federally owned or administered forest land within the unit concerned may also be expended in carrying out the purposes of this Act, and there are hereby authorized to be appropriated such additional sums for the purposes of this Act as the Congress may from time to time deem necessary, but such additional sums shall not exceed \$150,000 for the Department of Agriculture and \$50,000 for the Department of the Interior, for any fiscal year.

DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

Act of September 21, 1944 (58 Stat. 736, 741)

TITLE II

SEC. 201. The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property (16 U. S. C. 559a).

SEC. 202. Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service (16 U. S. C. 554b).

SEC. 203. The Forest Service may sell and distribute supplies, equipment, and materials to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies, equipment, and materials are procured for warehouse stocks (16 U. S. C. 580a).

SEC. 204. Appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected. The Forest Service may also rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received (16 U. S. C. 580).

SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising (16 U. S. C. 579a).

SEC. 206. Appropriations for the Forest Service shall be available within such limitations as may be prescribed therein for the expenses

of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service (16 U. S. C. 554c).

(Joint Resolution of July 25, 1947 (61 Stat. 449) repealed section 207 since it was to be effective only during the war emergency)

SEC. 208. No part of any appropriation which is available for carrying out the Cooperative Farm Forestry Act (16 U. S. C. 568b) and sections 4 and 5 of the Clarke-McNary Act (16 U. S. C. 567-568) shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof (16 U. S. C. 567, 568).

SEC. 209. Appropriations for carrying out the Cooperative Farm Forestry Act (16 U. S. C. 568b) and sections 4 and 5 of the Clarke-McNary Act (16 U. S. C. 567-568) and Acts supplementary thereto allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years (16 U. S. C. 567, 568).

SEC. 210. The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund," which moneys are hereby made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work (16 U. S. C. 572a).

SEC. 211. The Forest Service may expend funds available for national forest protection and management for the administration of lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911 (16 U. S. C. 521), and the Act of June 7, 1924 (16 U. S. C. 471, 499, 505, 564-570), and lands transferred to the Forest Service for administration (16 U. S. C. 527).

SEC. 212. The sixth paragraph under the heading "Forest Service" of the Act of May 23, 1908, as amended (16 U. S. C. 500), and the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U. S. C. 501), are each amended by adding at the end thereof the following: "In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber (16 U. S. C. 500, 501).

SEC. 213. There are hereby authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests (16 U. S. C. 526).

TITLE VII

SEC. 702. (a) The head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the

Department of Agriculture and which the Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary, transfer to the Department for direct expenditure such sums as may be necessary for the performance of such work.

(b) Not to exceed 7 per centum of the amounts appropriated for any fiscal year for the miscellaneous expenses of the work of any bureau, division, or office of the Department of Agriculture shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 7 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency (5 U. S. C. 571, 572).

SEC. 703. The Department of Agriculture is authorized to erect, alter, and repair such buildings and other public improvements as may be necessary to carry out its authorized work: *Provided*, That no building or improvement shall be erected or altered under this authority unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein (5 U. S. C. 565a).

SEC. 704. The Department of Agriculture is authorized to subscribe for such newspapers as may be necessary to carry out its authorized work: *Provided*, That purchases under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein (5 U. S. C. 573).

SEC. 705. (a) The Secretary of Agriculture is authorized to delegate to such officers as he shall designate the authority to expend such contingent funds as may be appropriated to the Department (5 U. S. C. 514d).

(b) The Department of Agriculture is authorized to contract for stenographic reporting services (5 U. S. C. 520a).

(c) Employees of the Department of Agriculture stationed abroad may, with the approval of the Secretary of Agriculture, enter into leases for official quarters, for periods not exceeding one year, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance (5 U. S. C. 543b).

SEC. 706 (a) * * * The Department of Agriculture may employ persons or organizations, on a temporary basis, by contract or otherwise, without regard to the Classification Act of 1923, as amended: *Provided*, That no expenditures for such temporary employment shall be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein (5 U. S. C. 574).

(b) The Department of Agriculture is authorized to pay actual transportation and other necessary expenses and not to exceed \$10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Department of Agriculture: *Provided*, That such expenditures shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein (5 U. S. C. 541b).

SEC. 708. The Secretary of Agriculture is authorized to make copies of bibliographies prepared by the Department library, microfilm and

other photographic reproductions of books and other library materials in the Department and sell such bibliographies and reproductions at such prices (not less than estimated total cost of furnishing same) as he may determine, the money received from such sales to be deposited in the Treasury to the credit of the applicable appropriation current at the time the materials are furnished or payment therefor is received (5 U. S. C. 552a).

SEC. 709. The Secretary of Agriculture may delegate to such officers as he shall designate the authority to employ personnel in the departmental service wherever located (5 U. S. C. 514d).

SEC. 710. The Secretary of Agriculture may delegate to such officers as he shall designate the function of authorizing payment of expenses of the transfer of household goods of employees on change of official stations (5 U. S. C. 514d).

SEC. 711. Unless otherwise provided herein or by other statute, the measure and character of cooperation authorized herein on the part of the Federal Government and on the part of the cooperator shall be such as may be prescribed by the Secretary, unless otherwise provided for in the applicable appropriation (5 U. S. C. 564a).

FOREST PEST CONTROL ACT

Act of June 25, 1947 (61 Stat. 177; 16 U. S. C. 594-1 to 594-5, incl.)

An Act to provide for the protection of forests against destructive insects and diseases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect and preserve forest resources of the United States from ravages of bark beetles, defoliators, blights, wilts, and other destructive forest insect pests and diseases, and thereby enhance the growth and maintenance of forests, promote the stability of forest-using industries and employment associated therewith, aid in fire control by reducing the menace created by dying and dead trees injured or killed by insects or disease, conserve forest cover on watersheds, and protect recreational and other values of forests, it shall be the policy of the Government of the United States independently and through cooperation with the governments of States, Territories, and possessions, and private timber owners to prevent, retard, control, suppress, or eradicate incipient, potential, or emergency outbreaks of destructive insects and diseases on, or threatening, all forest lands irrespective of ownership.

SEC. 2. The Secretary of Agriculture is authorized either directly or in cooperation with other departments of the Federal Government, with any State, Territory, or possession, organization, person, or public agency, subject to such conditions as he may deem necessary and using such funds as have been, or may hereafter be, made available for these purposes, to conduct surveys on any forest lands to detect and appraise infestations of forest insect pests and tree diseases, to determine the measures which should be applied on such lands, in order to prevent, retard, control, suppress, or eradicate incipient, threatening, potential, or emergency outbreaks of such insect or disease pests, and to plan, organize, direct, and carry out such measures as he may deem necessary to accomplish the objectives and purposes of this Act: *Provided*, That any operations planned to prevent, retard, control, or suppress insects or diseases on forest lands owned, controlled, or man-

aged by other agencies of the Federal Government shall be conducted with the consent of the agency having jurisdiction over such land.

SEC. 3. The Secretary of Agriculture may, in his discretion and out of any money made available pursuant to this Act, make allocations to Federal agencies having jurisdiction over lands held or owned by the United States in such amounts as he may deem necessary to retard, control, suppress, or eradicate injurious insect pests or plant diseases affecting forests on said lands.

SEC. 4. No money appropriated to carry out the purposes of this Act shall be expended to prevent, retard, control, or suppress insect or disease pests on forest lands owned by persons, associations, corporations, States, Territories, possessions, or subdivisions thereof until such contributions toward the work as the Secretary may require have been made or agreed upon in the form of funds, services, materials, or otherwise.

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act such sums as the Congress may from time to time determine to be necessary. Any sums so appropriated shall be available for necessary expenses, including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, and the purchase, maintenance, operation, and exchange of passenger-carrying vehicles; but such sums shall not be used to pay the cost or value of any property injured or destroyed. Materials and equipment necessary to control, suppress, or eradicate infestations of forest insects or tree diseases may be procured without regard to the provisions of section 3709 of the Revised Statutes (41 U. S. C. 5) under such procedures as may be prescribed by the Secretary of Agriculture, when deemed necessary in the public interest.

SEC. 6. The provisions of this Act are intended to supplement, and shall not be construed as limiting or repealing, existing legislation.

SEC. 7. This Act may be cited as the "Forest Pest Control Act".

ANDERSON-MANSFIELD REFORESTATION AND REVEGETATION ACT

Act of October 11, 1949 (63 Stat. 762)

Joint Resolution to provide for the reforestation and revegetation of the forest and range lands of the national forests, and for other purposes

Whereas the national forests of the United States contain approximately eighty million acres of the Nation's commercial timber lands and approximately eighty-three million acres of the Nation's important grazing lands; and

Whereas these national-forest lands comprise the principal source of water supply for domestic, irrigation, and industrial purposes for thousands of communities, farms, and industries, and good forest and other vegetative cover is essential for watershed protection; and

Whereas these lands annually supply approximately four billion board-feet of forest products through twenty-seven thousand sales transactions and the demand for national forest timber is steadily increasing; and

Whereas these lands are the sole or main source of summer range for ten million cattle and sheep grazed by thirty thousand livestock permittees whose livelihood is wholly or partially dependent upon livestock grazed on national-forest ranges; and

Whereas these lands contain over four million acres of denuded and unsatisfactorily stocked timberlands and an additional four million acres of seriously depleted range lands; and

Whereas all of these lands are potentially capable of producing an important part of the timber and forage needs of local communities, and contributing to the protection of water sheds, thereby alleviating flood damage and insuring a continuing water supply, increasing opportunity for local employment, bringing greater stability to local communities, and increasing returns to counties in the national forests from their share of national forests receipts, together with other benefits; and

Whereas these lands will not restock or revegetate satisfactorily or within a reasonable time except through reforestation and revegetation or other measures to induce restocking or revegetation; and

Whereas it is practical to reforest these denuded and unsatisfactorily stocked timber lands and revegetate these seriously depleted range lands in a period of fifteen years; and

Whereas it is necessary to provide reasonable continuity of reforestation and revegetation programs in order to insure effective, efficient, and economical operations: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the declared policy of the Congress to accelerate and provide a continuing basis for the needed reforestation and revegetation of national-forest lands and other lands under administration or control of the Forest Service of the Department of Agriculture in order to obtain the benefits hereinbefore enumerated.

SEC. 2. For the purpose of carrying out the provisions of this joint resolution on national-forest lands and other lands under the administration or control of the Forest Service of the Department of Agriculture, including the acquisition of land or interests therein for nurseries, there is hereby authorized to be appropriated to remain available until December 31 of the ensuing fiscal year, \$3,000,000 for the fiscal year ending June 30, 1951; \$5,000,000 for the fiscal year ending June 30, 1952; \$7,000,000 for the fiscal year ending June 30, 1953; \$8,000,000 for the fiscal year ending June 30, 1954; \$10,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for reforestation; and \$1,500,000 for the fiscal year ending June 30, 1951; \$1,750,000 for the fiscal year ending June 30, 1952; \$2,000,000 for the fiscal year ending June 30, 1953; \$2,500,000 for the fiscal year ending June 30, 1954; \$3,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for range revegetation.

GRANGER-THYE ACT

Act of April 24, 1950 (64 Stat. 82)

An Act to facilitate and simplify the work of the Forest Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of existing law and without regard to section

355, Revised Statutes, as amended (40 U. S. C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

SEC. 2. That so much of the Act of June 30, 1914 (38 Stat. 415, 429, 16 U. S. C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500:", is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest."

SEC. 3. The provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000, may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

SEC. 4. That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to read as follows:

"SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."

SEC. 5. That section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended to read as follows:

"SEC. 1. (a) The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

"(b) Cooperation and assistance on the same basis as that author-

ized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

“(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party’s proportionate share.”

SEC. 6. That so much of the Act of August 11, 1916 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: “That hereafter deposits may be received from timber purchases in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national-forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.”, is hereby amended to read as follows: “Purchasers of national-forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made.”

SEC. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this sec-

tion, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

SEC. 8. The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received: *Provided*, That such receipts obtained in excess of \$10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

SEC. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

SEC. 10. Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U. S. C. 679), appropriations for the protection and management of the national forests shall be available to pay for telephone service installed in residences of seasonal employees and of persons cooperating with the Forest Service who reside within or near the national forests when such installation is determined by the Secretary of Agriculture to be needed in protecting the national forests: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

SEC. 11. Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the

seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

SEC. 12. Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

SEC. 13. That section 5 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority."

SEC. 14. There are hereby authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed \$50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed \$25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

SEC. 15. That section 6 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the

Forest Service applicable to the work for which such person is employed."

SEC. 16. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U. S. C., 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the United States Employees' Compensation Commission to the employee on account of the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation Act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the Commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act.

SEC. 17. (a) Section 2 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 571); the second proviso in section 1 of the Act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581); and section 1 of the Act of May 27, 1930 (46 Stat. 387; 16 U. S. C. 573), are hereby repealed.

(b) The second proviso in section 13 of the Act of March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

SEC. 18. (a) (1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose at the time of the enactment of this Act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter

approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) (1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under this Act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

SEC. 19. The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

COOPERATIVE FOREST MANAGEMENT ACT

Act of August 25, 1950 (64 Stat. 473)

An Act to authorize the Secretary of Agriculture to cooperate with the States to enable them to provide technical services to private forest landowners, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized to cooperate with State foresters or equivalent officials of the several States, Territories, and possessions for the purpose of encouraging the States, Territories, and possessions to provide technical services to private forest landowners and operators, and processors of primary forest products with respect to the management of forest lands and the harvesting, marketing, and processing of forest products, and, where necessary to avoid uneconomic duplication of certain technical and training services, to make such services available to private agencies and persons. All such technical services shall be provided in each State, Territory, or possession in accordance with a plan agreed upon in advance between the Secretary and the State forester or equivalent official of the State, Territory, or possession. The provisions of this Act and the plan agreed upon for each State, Territory, or possession shall be carried out in such manner as to encourage the utilization of private agencies and individuals furnishing services of the type described in this section.

SEC. 2. There is hereby authorized to be appropriated annually, to enable the Secretary to carry out the provisions of this Act, the sum of \$2,500,000. Apportionment among the participating States, administrative expenses in connection with cooperative action with such States, and the amount to be expended by the Secretary to make technical services available to private persons and agencies, shall be determined by the Secretary after consultation with a national advisory board of not less than five State foresters or equivalent officials selected by a majority of the State foresters or equivalent officials of all States, Territories, or possessions participating in the program. The amount paid by the Federal Government to any State, Territory, or possession for cooperative action in the State, Territory, or possession shall not exceed during any fiscal year the amount expended by the cooperating State, Territory, or possession for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make such expenditures on the certificate of the appropriate official of the State, Territory, or possession having charge of the cooperative work for the State, Territory, or possession that the expenditures as herein provided have been made: *Provided*, That it is the intent of Congress that the Secretary may continue to cooperate with persons and private agencies in furnishing technical forestry services under existing authority.

SEC. 3. The Act of May 18, 1937 (50 Stat. 188), known as the Cooperative Farm Forestry Act, is hereby repealed effective June 30, 1951.

SEC. 4. This Act shall be known as the Cooperative Forest Management Act.

U. S. GOVERNMENT PRINTING OFFICE: 1951